

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

PETER MRINA,

Plaintiff,

v.

**TUCKER ICE PROPERTY MANAGER
and IMMIGRATION AND CUSTOMS
ENFORCEMENT (ICE),**

Defendants.

Civil Action No. **3:18-CV-3400-L**

ORDER

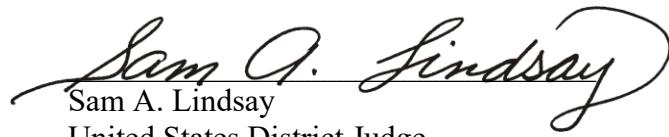
On May 5, 2020, United States Magistrate Judge Irma Carrillo Rodriguez entered the Findings, Conclusions, and Recommendation (“Report”) (Doc. 13), recommending that the court dismiss this action without prejudice for failure to prosecute or follow court orders. Specifically, Magistrate Judge Ramirez notes that the court sent pro se Plaintiff Peter Mrina (“Plaintiff”) a questionnaire on March 18, 2019, to obtain more information about his claims, and informed him that failure to respond within thirty days could result in dismissal of his case. Plaintiff did not respond to the questionnaire, and has not filed anything else in this action. Accordingly, Magistrate Judge Ramirez recommends that the court dismiss without prejudice this action under Federal Rule of Civil Procedure 41(b) for failure to prosecute or follow court orders, unless Plaintiff responds to the questionnaire within the time for filing objections to the Report. Plaintiff did not file any objections to the Report and did not respond to the questionnaire as ordered.*

* The court notes that the Report was returned as undeliverable, and the clerk noted that there has been no update to Plaintiff’s address. Doc. 14. Plaintiff, however, was warned that failure to submit an address change may result in dismissal of this action. Doc. 2. Accordingly, the court will rule on the Report, as Plaintiff has failed to update his address as required.

Having reviewed the pleadings, file, record in this action, and the Report, the court determines that the findings and conclusions of the Magistrate Judge are correct, and **accepts** them as those of the court. The court, therefore, determines that this action should be **dismissed without prejudice** under Federal Rule of Civil Procedure 41(b) for failure to prosecute or follow court orders.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 & n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 29th day of May, 2020.



Sam A. Lindsay
United States District Judge